

# **EXHIBIT B**

Jerry G. Blaivas, M.D.

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF  
3 WEST VIRGINIA AT CHARLESTON

4 IN RE: ETHICON, INC., :Master File No.  
5 PELVIC REPAIR SYSTEM :2:12-MD-0237  
6 PRODUCTS LIABILITY :  
7 LITIGATION :MDL No. 2327

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9 THIS DOCUMENT RELATES TO :JOSEPH R. GOODWIN  
10 THE CASES LISTED BELOW :U.S. DISTRICT JUDGE  
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11 Mullins, et al. V. Ethicon, Inc., et al.  
12 2:12-cv-02952  
13 Sprout, et al. V. Ethicon, Inc., et al.  
14 2:12-cv-07924  
15 Iquinto v. Ethicon, Inc., et al.  
16 2:12-cv-09765  
17 Daniel, et al. V. Ethicon, Inc., et al.  
18 2:13-cv-02565  
19 Dillon, et al. V. Ethicon, Inc., et al.  
20 2:13-cv-02919  
21 Webb, et al. V. Ethicon, Inc., et al.  
22 2:13-cv-04517  
23 Martinez v. Ethicon, Inc., et al.  
24 2:13-cv-04730  
25 McIntyre, et al. V. Ethicon, Inc., et al.  
26 2:13-cv-07283  
27 Oxley v. Ethicon, Inc., et al. 2:13-cv-10150  
28 Atkins, et al. V. Ethicon, Inc., et al.  
29 2:13-cv-11022  
30 Garcia v. Ethicon, Inc., et al. 2:13-cv-14355  
31 Lowe v. Ethicon, Inc., et al. 2:13-cv-14718  
32 Dameron, et al. V. Ethicon, Inc., et al.  
33 2:13-cv-14799

34 SEPTEMBER 17, 2015  
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1 CAPTION CONTINUED:  
2  
3 Vanbuskirk, et al. v. Ethicon, Inc., et al.  
2:13-cv-16183  
4 Mullens, et al. v. Ethicon, Inc., et al.  
2:13-cv-16564  
5 Shears, et al. v. Ethicon, Inc., et al.  
2:13-cv-17012  
6 Javins, et al. v. Ethicon, Inc., et al.  
2:13-cv-18479  
7 Barr, et al. v. Ethicon, Inc., et al.  
2:13-cv-22606  
8 Lambert v. Ethicon, Inc., et al.  
2:13-cv-24393  
9 Cook v. Ethicon, Inc., et al. 2:13-cv-29260  
Stevens v. Ethicon, Inc., et al.  
10 2:13-cv-29918  
Harmon v. Ethicon, Inc., et al. 2:13-cv-31818  
11 Snodgrass v. Ethicon, Inc., et al.  
2:13-cv-31881  
12 Miller v. Ethicon, Inc., et al. 2:13-cv-32627  
Matney, et al. v. Ethicon, Inc., et al.  
13 2:14-cv-09195  
Jones, et al. v. Ethicon, Inc., et al.  
14 2:14-cv-09517  
Humbert v. Ethicon, Inc., et al.  
15 2:14-cv-10640  
Gillum, et al. v. Ethicon, Inc., et al.  
16 2:14-cv-12756  
Whisner, et al. v. Ethicon, Inc., et al.  
17 2:14-cv-13023  
Tomblin v. Ethicon, Inc., et al.  
18 2:14-cv-14664  
Schepleng v. Ethicon, Inc., et al.  
19 2:14-cv-16061  
Tyler, et al. v. Ethicon, Inc., et al.  
20 2:14-cv-19110  
Kelly, et al. v. Ethicon, Inc., et al.  
21 2:14-cv-22079  
Lundell v. Ethicon, Inc., et al.  
22 2:14-cv-24911  
Cheshire, et al. v. Ethicon, Inc., et al.  
23 2:14-cv-24  
24

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1 some of the PROLENE® mesh before  
2 to place it? I'm not sure what  
3 you're talking about.

4 BY MR. SNELL:

5 Q. Have you ever placed a TVT?

6 A. No.

7 Q. Every Ethicon branded  
8 PROLENE® polypropylene sling you placed  
9 were slings that you hand cut, correct?

10 A. Correct.

11 Q. And you hand cut them at a 2  
12 centimeter wide strip, correct?

13 A. Correct.

14 Q. And those are the slings --  
15 synthetic slings, that you've done,  
16 correct?

17 A. That's correct.

18 Q. Okay. And you testified  
19 that you would place those -- strike  
20 that.

21 You changed your testimony,  
22 and you testified that you placed those  
23 at the bladder neck, correct?

24 MS. FITZPATRICK: Objection.

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1 attempt to ascertain what was the rate  
2 specific to serious infection?

3 A. No. But we decide -- no.

4 But I think that -- no, is the answer to  
5 your question.

6 Q. And when you say "serious  
7 infection," what do you mean by that?

8 A. Really, we were talking  
9 about life-threatening sepsis or  
10 infections that require -- retropubic  
11 infections that are either life  
12 threatening or require multiple  
13 operations to remove.

14 Some of them were, like,  
15 thigh infections -- just for example,  
16 thigh infections after transobturator  
17 slings were used that required three,  
18 four, five operations to deal with the  
19 infection and remove the mesh.

20 So these were the most  
21 serious infections, is what this was  
22 talking about.

23 Q. 0.1 percent, you would  
24 consider that rare?

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1                   So that would eliminate a major  
2                   cause, in my judgment, of  
3                   subsequent erosion.

4                   I cited a paper in there,  
5                   again, by -- I think this was by  
6                   Osborn, where there's a 26-fold  
7                   increase, 26-fold increase in the  
8                   likelihood of subsequent erosion  
9                   into the vagina or the bladder in  
10                  patients who have had a  
11                  perforation of the bladder or  
12                  urethra at the time of the  
13                  original surgery.

14                  And, again, in my opinion  
15                  this is 100 percent, or  
16                  practically 100 percent  
17                  preventable. So that's the  
18                  surgical technique, which is part  
19                  of the -- you know, part of the  
20                  procedure.

21                  The second thing is, it  
22                  makes little sense to me to use  
23                  this, you know, bottoms-up  
24                  approach. The bottoms-up approach

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1                   that they use with the trocar  
2                   passage precludes any protection  
3                   of the bladder or urethra.

4                   You just have to, for  
5                   practical purposes, hope that you  
6                   don't put the trocar into the  
7                   bladder, the urethra or, even  
8                   worse, the iliac artery or the  
9                   obturator, all of which -- every  
10                  one of those complications has  
11                  occurred.

12                  And, in my judgment,  
13                  virtually never occurs, not once,  
14                  if you use the top-down approach.  
15                  I think it's not physically  
16                  possible.

17                  So that's the second point  
18                  that I would change.

19                  And the third point is that  
20                  the trocar itself is too big, too  
21                  thick and too pointed. You know,  
22                  that trocar gets -- it's very easy  
23                  to do significant damage to the  
24                  adjacent structures if the trocar

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1                   goes in the wrong place.

2                   So if you use a much smaller  
3                   trocar -- I mean, I alluded to the  
4                   fact before that I use a Stamey  
5                   needle, which is very thin and  
6                   very unlikely to do any major  
7                   damage. And if you pass it from  
8                   above to below, the chances of  
9                   injuring any adjacent organ is as  
10                   close to zero as you can get.

11                   That's it.

12                   BY MR. SNELL:

13                   Q.        With regard to your  
14                   statement that you would dissect more  
15                   into the retropubic space --

16                   A.        Yes.

17                   Q.        -- what are the risks  
18                   attendant with doing more dissection and  
19                   deeper dissection into the retropubic  
20                   space?

21                   A.        I don't think -- I don't  
22                   think there's any. I mean, you're  
23                   doing -- you're doing with your finger  
24                   exactly the same thing that you're doing

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1 question was, how do I think it could be  
2 improved. And I think that would be a  
3 great improvement.

4 Q. Do you know whether or not a  
5 top-down approach for TVT was ever  
6 offered or made available to surgeons?

7 A. I think -- no, I don't have  
8 an independent recollection.

9 Q. Do you know whether your  
10 opinion that proceeding from the top down  
11 as opposed to bottom up would lead to  
12 less risk of urethral perforation and  
13 other complications been has tested in  
14 any randomized control trials?

15 A. The technique that I'm  
16 talking about has not, to my knowledge,  
17 been done for this, so it hasn't been  
18 tested.

19 But it's been done thousands  
20 of times by me and other people that do  
21 autologous slings.

22 Q. Do you have that Ogah  
23 Cochrane review that we were looking at  
24 earlier that you cited in your review